

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

MICHAEL JOHN WALTON,

No. 07-10080

Debtor(s).

Memorandum

Since 1995, debtor Michael Walton has filed seven Chapter 13 petitions. All have been dismissed without plan confirmation. There would have been more filings, except that the court has periodically barred Walton from refiling for up to two years.

Walton filed his latest petition before the one in this case on April 14, 2006. That case was dismissed on August 10, 2006. Walton filed the petition in this case January 26, 2007. There does not appear to be any material change in circumstances from his previous filings.


The court would have issued a bar to refiling after dismissal of the 2006 case, except that a change in the law made it unnecessary. The 2005 amendments to the Bankruptcy Code provide that the automatic stay in a case filed within a year of dismissal of a prior case lasts only 30 days, and if there is a second such case there is no automatic stay at all. Thus, creditors have been free to proceed against Walton since February 25.

As near as the court has been able to determine from Walton's attempts to represent himself over the years, his problems are related to Lake County secured property taxes. The court has never been able to make a determination that treatment of these claims, which Walton disputes, is consistent with the Code. Walton has made reference to other types of problems which appear to be far outside the ability of this court to relieve.

The court is unable to find, and Walton is incapable of establishing, any of the requirements of § 1325 of the Code for confirmation. The case will accordingly be dismissed. The court hopes that Walton will take

1 the money refunded to him by the trustee and use it to obtain legal advice, which he desperately needs.
2 Walton is reminded that refiling in light of the amendments to the Bankruptcy Code is a futility and that he is
3 not eligible to pay any future filing fees in installments due to past abuses.

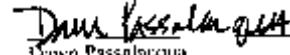
4
5 Dated: April 16, 2007

6
7
8 
9 Alan Jaroslovsky
10 U.S. Bankruptcy Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 CERTIFICATE OF MAILING

2 The undersigned deputy clerk of the United States Bankruptcy Court for the Northern District of
3 California hereby certifies that a copy of the attached document was mailed to all parties listed below
4 as required by the Bankruptcy Code and Rules of Bankruptcy Procedure.

5
6 Dated: Apr 17, 2007


Dawn Passalunghi
Deputy Clerk

7
8 Michael John Walton
9 P.O. Box 1465
10 Clearlake, CA 95422
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26